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(Original Signature of Member)

115TH CONGRESS
1ST SESSION

H. R. _____

To amend the Nuclear Waste Policy Act of 1982 to authorize the Secretary of Energy to enter into contracts for the storage of certain high-level radioactive waste and spent nuclear fuel, take title to certain high-level radioactive waste and spent nuclear fuel, and make certain expenditures from the Nuclear Waste Fund.

IN THE HOUSE OF REPRESENTATIVES

Mrs. LOWEY introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Nuclear Waste Policy Act of 1982 to authorize the Secretary of Energy to enter into contracts for the storage of certain high-level radioactive waste and spent nuclear fuel, take title to certain high-level radioactive waste and spent nuclear fuel, and make certain expenditures from the Nuclear Waste Fund.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Removing Nuclear
3 Waste from our Communities Act of 2017”.

4 **SEC. 2. DEFINITION OF INTERIM CONSOLIDATED STORAGE**
5 **FACILITY.**

6 Section 2 of the Nuclear Waste Policy Act of 1982
7 (42 U.S.C. 10101) is amended by adding at the end the
8 following new paragraph:

9 “(35) The term ‘interim consolidated storage
10 facility’ means a facility that possesses a specific li-
11 cense issued by the Commission that authorizes stor-
12 age of high-level radioactive waste or spent nuclear
13 fuel received from the Secretary or from 2 or more
14 persons that generate or hold title to high-level ra-
15 dioactive waste or spent nuclear fuel generated at a
16 civilian nuclear power reactor.”.

17 **SEC. 3. INTERIM CONSOLIDATED STORAGE OF HIGH-LEVEL**
18 **RADIOACTIVE WASTE AND SPENT NUCLEAR**
19 **FUEL.**

20 (a) STORAGE OF SPENT NUCLEAR FUEL.—Section
21 135(h) of the Nuclear Waste Policy Act of 1982 (42
22 U.S.C. 10155(h)) is amended by striking “Notwith-
23 standing any other provision of law” and inserting “Ex-
24 cept as provided in section 302, and subtitle I of title I”.

1 (b) INTERIM CONSOLIDATED STORAGE.—Title I of
2 the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10121
3 et seq.) is amended by adding at the end the following:

4 **“Subtitle I—Interim Consolidated**
5 **Storage**

6 **“SEC. 190. INTERIM CONSOLIDATED STORAGE.**

7 “(a) IN GENERAL.—The Secretary may enter into
8 contracts for the storage of high-level radioactive waste
9 or spent nuclear fuel with any person that holds a license
10 for an interim consolidated storage facility.

11 “(b) DEFINITION OF HIGH-LEVEL RADIOACTIVE
12 WASTE.—For purposes of this subtitle and section 302,
13 the term ‘high-level radioactive waste’ includes Greater
14 than Class C waste as defined in section 72.3 of title 10,
15 Code of Federal Regulations. Nothing in this section or
16 section 191 shall be interpreted to affect existing judicial
17 interpretation of the term high-level radioactive waste or
18 to require the disposal of Greater than Class C waste in
19 a repository.

20 **“SEC. 191. CONTRACTS.**

21 “(a) IN GENERAL.—The Secretary may enter into
22 new contracts or modify existing contracts with any person
23 who generates or holds title to high-level radioactive waste
24 or spent nuclear fuel of domestic origin for the acceptance
25 of title and subsequent storage of such waste or fuel at

1 an interim consolidated storage facility, with priority for
2 storage given to high-level radioactive waste and spent nu-
3 clear fuel located on sites without an operating nuclear
4 reactor and with over 15 million residents within a 50-
5 mile radius.

6 “(b) CONTRACT TERMS.—A contract entered into or
7 modified under this section shall provide that acceptance
8 by the Secretary, and transfer of title under subsection
9 (d), of any high-level radioactive waste or spent nuclear
10 fuel for an interim consolidated storage facility satisfies
11 the Secretary’s responsibility under a contract entered
12 into under section 302(a) to accept title to such waste or
13 fuel for disposal, with respect to such accepted waste or
14 fuel.

15 “(c) LIMITATION.—The Secretary shall not require a
16 person to settle claims against the United States for the
17 breach of a contract entered into under section 302(a) for
18 the disposal of high-level radioactive waste or spent nu-
19 clear fuel as a condition precedent of entering into or
20 modifying a contract under this section.

21 “(d) TITLE TO MATERIAL.—Delivery, and acceptance
22 by the Secretary, of any high-level radioactive waste or
23 spent nuclear fuel for an interim consolidated storage fa-
24 cility shall constitute a transfer to the Secretary of title
25 to such waste or fuel.”.

1 (c) NUCLEAR WASTE FUND.—Section 302(d) of the
2 Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(d))
3 is amended—

4 (1) in paragraph (4), by striking “in a mon-
5 itored, retrievable storage site” and inserting “in an
6 interim consolidated storage facility or monitored re-
7 trievable storage site,”;

8 (2) in paragraph (5)—

9 (A) by striking “a monitored, retrievable
10 storage site” and inserting “an interim consoli-
11 dated storage facility site, a monitored retriev-
12 able storage site,”;

13 (B) by striking “such repository, mon-
14 itored, retrievable storage facility” and insert-
15 ing “such repository, interim consolidated stor-
16 age facility, monitored retrievable storage facil-
17 ity,”; and

18 (C) by striking “; and” and inserting a
19 semicolon;

20 (3) by redesignating paragraph (6) as para-
21 graph (7);

22 (4) by inserting after paragraph (5) the fol-
23 lowing:

24 “(6) the fees and costs in connection with the
25 storage of high-level radioactive waste or spent nu-

1 clear fuel in an interim consolidated storage facility;
2 and”; and

3 (5) by inserting “For purposes of the preceding
4 sentence, fees and costs described in paragraph (6)
5 shall not be considered amounts for the construction
6 or expansion of any facility.” after “this or subse-
7 quent legislation.”.

8 (d) APPROPRIATIONS FROM THE WASTE FUND.—
9 Section 302(e)(2) of the Nuclear Waste Policy Act of 1982
10 (42 U.S.C. 10222(e)(2)) is amended—

11 (1) by inserting “(A)” before “The Secretary
12 shall submit”; and

13 (2) by adding at the end the following:

14 “(B) Notwithstanding subparagraph (A) and
15 subject to subparagraph (C), necessary amounts
16 shall be available to the Secretary from the Waste
17 Fund without additional appropriations to pay for
18 the following:

19 “(i) Costs described in subsection (d)(4) in
20 connection with storage in an interim consoli-
21 dated storage facility.

22 “(ii) Costs described in subsection (d)(5)
23 in connection with an interim consolidated stor-
24 age facility.

1 “(iii) Fees and costs described in sub-
2 section (d)(6).

3 “(C) The Secretary shall not expend, on fees
4 for dry modes of storage of high-level radioactive
5 waste or spent nuclear fuel, amounts totaling more
6 than the cumulative amount of interest generated by
7 the Waste Fund each fiscal year, beginning in fiscal
8 year 2020.”.

9 (e) TECHNICAL AMENDMENTS.—

10 (1) Section 302(d)(1) of the Nuclear Waste
11 Policy Act of 1982 (42 U.S.C. 10222(d)(1)) is
12 amended by striking “monitored, retrievable storage
13 facility” and inserting “monitored retrievable stor-
14 age facility,”.

15 (2) Section 302(e)(5) of the Nuclear Waste Pol-
16 icy Act of 1982 (42 U.S.C. 10222(e)(5)) is amended
17 by striking “under such Act” and inserting “under
18 such chapter”.